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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,960	05/08/2001	Andrew D. Jackson	US010247	6140

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EXAMINER

PHAN, THANH S

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/850,960

Applicant(s)

JACKSON ET AL.

Examiner

Thanh S Phan

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) 31-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Newly submitted claims 32-35 renumbered 31-34 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: applicant newly presents specific color temperature shifts and tube aspect ratios not originally claimed.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-34 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Vliet et al. [US 5,973,453] in view of Krasko et al. [US 5,694,002].

Van Vliet et al. disclose a discharge lamp [figures 1 and 2] comprising a ceramic discharge vessel enclosing a discharge space, said discharge vessel including within said discharge space an ionizable material comprising a metal halide, a first and second

discharge electrode feedthrough means, and a first and second current conductor connected to said first and second discharge electrode feedthrough means;

said lamp having a power range of about 150 to about 1000W and exhibiting one or more of a characteristics selected from the group consisting of a CCT of about 3800 to about 4500k and a CRI of about 70 to about 95 and a MPCD of about ± 10 .

Van Vliet et al. disclose the instant claimed invention except for: except for a luminous efficacy up to about 85-95 lumens/watts.

Krasko et al. disclose a metal halide lamp with a luminous efficacy about 90 lumens/watt.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Krasko et al.'s teaching with Van Vliet et al.'s for the purpose of improving the color rendition and luminous output.

Claims 3-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Vliet et al. [US 5,973,453] in view of Van Der Leeuw et al. [US 5,532,543].

Van Vliet et al. disclose a discharge lamp having a power range of about 150W to about 1000W and comprising a ceramic discharge vessel enclosing a discharge space, said discharge vessel including within said discharge space an ionizable material comprising a metal halide, a first and second discharge electrode feedthrough means, and a first and second current conductor connected to said first and second discharge electrode feedthrough means;

wherein the ceramic discharge vessel include an arc tube comprising:

a cylindrical barrel having a central axis and a pair of opposed end walls, a pair of ceramic end plugs extending from respective end walls along said axis, a pair of lead-ins extending through respective end plugs, said lead-ins being connected to respective electrodes which are spaced apart in said central barrels, wherein the electrode feedthrough means each have a lead-in of niobium which is hermetically sealed into the arc tube, a central portion of molybdenum/aluminum cermet [figures 1 and 2];

Van Vliet et al. do not disclose wherein the tungsten rod having a winding of tungsten.

Van Der Leeuw et al. disclose a discharge lamp wherein the tungsten rod having a winding of tungsten [figure 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Van Der Leeuw et al.'s teachings with Van Vliet al.'s for the purpose of securing the discharge vessel.

Regarding claim 4, Van Der Leeuw et al. further disclose wherein the arc tube has a molybdenum coil attached to its surface [figure 2].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Van Der Leeuw et al.'s coil with Van Vliet et al.'s lamp for the purpose of securing the discharge vessel.

Response to Arguments

Applicant's arguments filed 06-02-03 have been fully considered but they are not persuasive.

Applicant argues:

[1]: It would not have been obvious to incorporate the teachings of Krasko with Van Vliet et al. since Krasko appears to be limited to lower wattage lamps quartz and ceramic discharge vessel are not equivalent or interchangeable in metal halide lamps.

[2]: Krasko does not teach the use of metal halide in a ceramic quartz discharge vessel.

Examiner disagrees:

Regarding [1]: As acknowledged by applicant's arguments, page 21, lines 22-28, both Van Vliet et al. and Krasko teach metal halide lamps with ceramic discharge vessels (Van Vliet, abstract, Krasko column 1, lines 18-40). Applicant has not claimed, nor has examiner considered, any structural limitations to enhance the luminescence of the bulb. A skilled artisan would have been highly motivated the vessel design of Krasko with Van Vliet to improve color rendition and luminous output.

Regarding [2]: Krasko discloses the use of metal halides in a ceramic quartz vessel column 2, lines 50-56.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 703-305-0069. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on 703-308-3121. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7722 for regular communications and 703-305-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TSP
September 7, 2003

A handwritten signature in black ink, appearing to read 'DLM', is positioned above the printed name and title of the supervisor.

DAVID MARTIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800